

## **REMARKS**

Claims 1-8 are pending in the above-identified application. Claims 9-18 having been previously withdrawn.

In the Office Action dated October 9, 2007, the Examiner rejected claims 1-8.

With this Amendment, claim 1 was amended and claim 2 was cancelled. No new matter has been introduced as a result of these amendments.

Accordingly, claims 1, 3-8 are at issue.

### **I. 35 U.S.C. § 112 Indefiniteness Rejection of Claims**

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Per the Examiner's recommendation, claim 1 was amended to define RF as the general formula  $C_nF_{2n+1}$ , where  $1 \leq n \geq 12$ . Accordingly, Applicant respectfully requests that this rejection be withdrawn.

### **II. 35 U.S.C. § 102 Anticipation Rejection of Claims**

Claims 1-4 and 6-8 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sonoda et al. (U.S. Publication No. 2002-0028389). Applicant respectfully traverses this rejection.

Sonoda et al. teaches a non-aqueous electrolyte for use in an electrochemical device such as a lithium battery. Specifically, Sonoda et al. teaches a solute represented by the formula  $MBR^1R^2R^3R^4$ , where  $R^1$ ,  $R^2$ ,  $R^3$  and  $R^4$  may be represented by  $C_nF_{2n+1}$  or  $C_mF_{2m+1}SO_2$ . Sonoda et al., Paragraphs [0010]; [0011]. Regardless of what ever else Sonoda et al. teaches, it does not disclose or fairly suggest an anode containing an active material capable of inserting and extracting lithium at a relatively smaller rate than a cathode active material capable of inserting

and extracting lithium thereby allowing lithium metal to precipitate on a surface of the anode material during charge as reflected in amended claim 1. Sonoda et al., Paragraphs [0041] - [0055]. Thus, claim 1 is patentable over Sonoda et al., as are dependent claims 3-4 and 6-8. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

**III. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sonoda et al. Applicant respectfully traverses this rejection. As discussed above, Sonoda et al. does not teach or even fairly suggest an anode active material capable of inserting and extracting lithium at a relatively smaller rate than a cathode active material capable of inserting and extracting lithium thereby allowing lithium metal to precipitate on a surface of the anode material during charge as reflected in amended claim 1. Thus, dependent claim 5 is patentable over Sonoda et al. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

**IV. Conclusion**

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

Dated: January 8, 2008

By: /David R. Metzger/  
David R. Metzger  
Registration No. 32,919  
SONNENSCHEIN NATH & ROSENTHAL LLP  
P.O. Box 061080  
Wacker Drive Station, Sears Tower  
Chicago, Illinois 60606-1080  
(312) 876-8000